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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re E.G., a Person Coming Under the  
Juvenile Court Law.

KERN COUNTY DEPARTMENT OF  
HUMAN SERVICES,

Plaintiff and Respondent,

v.

H.G.,

Defendant and Appellant.

F058867

(Super. Ct. No. JD116796)

**OPINION**

**THE COURT**\*

APPEAL from orders of the Superior Court of Kern County. Jerold L. Turner,  
Judge.

Jesse F. Rodriguez, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance by Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Gomes, J., and Poochigian, J.

H.G. (mother) appealed from an order terminating her parental rights (Welf. & Inst. Code, § 366.26) to her two year old daughter, E.G.<sup>1</sup> After reviewing the entire record, mother's court-appointed appellate counsel informed this court he found no arguable issues to raise in this appeal. Counsel requested, and this court granted, leave for mother to personally file a letter setting forth a good cause showing that an arguable issue of reversible error does exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835.)

Mother has since faxed to this court a letter in which she claims she was not properly represented by her court-appointed trial attorney at the jurisdictional phase of her daughter's dependency proceedings. Mother accuses him of withholding evidence and tricking her into submitting to the allegations but provides no details. She contends she would have never submitted to these allegations had she known the circumstances or the consequences. She also accuses a social worker assigned to the case during the reunification period of lying but again provides no details.

Although mother's fax transmission does not conform to California Rules of Court, we have nonetheless considered the contents of her letter. On review, we conclude it does not amount to a good cause showing that an arguable issue of reversible error does exist and will affirm.

### **PROCEDURAL AND FACTUAL HISTORY**

Mother was incarcerated on a parole violation in October 2007 when her daughter was born. Mother apparently made arrangements for the maternal grandmother to care for the newborn while mother was in custody. However, a January 2008 referral for the grandmother's neglect led to the infant's removal and the initiation of the underlying dependency proceedings. Mother remained incarcerated at the time and could not arrange appropriate care and support for the infant.

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Respondent Kern County Department of Human Services (the department) alleged the foregoing facts in a petition pursuant to section 300, subdivisions (b) and (g), for mother's failure to protect the infant and to provide support for her respectively. It also submitted a social worker's report detailing the conditions in the grandmother's home, as well as mother's circumstances, in support of the petition for juvenile court jurisdiction. Mother later completed a waiver of rights form in which she submitted the petition on the basis of the social worker's report. She also indicated she understood that if she submitted the petition on the report, the court would probably find that the petition was true.

At an April 2008 combined jurisdictional/dispositional hearing, the court found mother knowingly, intelligently and voluntarily waived her rights. The court also found mother understood the nature of the conduct alleged in the petition and the possible consequences of submitting the matter to the court. In turn, the court found the allegations of the petition true, removed the infant from mother's custody, and granted reunification services to mother. The court also advised mother of her right to appeal the court's decision.

During the hearing, mother personally informed the court she would be released in two weeks' time or late April 2008. She never voiced any concern that her attorney withheld evidence or tricked her into submitting to the allegations. She also did not appeal from the court's dispositional decision.

Over the next six months, mother made moderate progress towards alleviating the circumstances which led to the child's removal. She completed court-ordered child neglect counseling and enrolled in court-ordered substance abuse counseling. She submitted four negative drug tests, out of a possible seven, and attended the majority of scheduled visits with her child.

The court in September 2008 granted mother an additional six months of reunification services. Starting the following month, however, mother's progress towards reunification essentially came to a halt. She stopped visiting the child. She tested positive for amphetamine and methamphetamine and then stopped testing altogether. The substance abuse counseling program also discharged her for her unallowable absences and failure to respond to the program's inquiries. The last contact she had with the social worker was in late October 2008. Mother's whereabouts then became unknown.

By the date of the court's next status review hearing in March 2009, mother had been located. She had been arrested two weeks earlier and was incarcerated in a Casper, Wyoming jail. This led to a continuance of the review hearing for purposes of noticing mother. The department served her at the jail by mail of the continued hearing date and its recommendation that the court terminate reunification services.

At the continued review hearing in May 2009, she objected, through her attorney, to the department's recommendation but had no evidence to introduce. The court found mother made minimal progress and unacceptable efforts towards reunification. It in turn terminated services and set a section 366.26 hearing to select and implement a permanent plan for the child.

The department subsequently prepared a social study in which it reported on the child's circumstances. The department recommended the court find it likely she would be adopted as well as order termination of parental rights. Mother by this time was once again incarcerated, this time in a California state prison. Mother had no relationship to speak of with her child, whom she last visited in October 2008.

At the section 366.26 hearing conducted in September 2009, appellant through her counsel objected to the social study and its recommendation but had no evidence to

present. The court found by clear and convincing evidence that the child was likely to be adopted and ordered termination of parental rights.

### **DISCUSSION**

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to an appellant to raise claims of reversible error or other defect and present argument and authority on each point made. If an appellant does not do so, the appeal should be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) Mother does not raise any claim of error or other defect against the termination order she appeals from. Thus, we have no reason to reverse or even modify the orders in question. (*Ibid.*)

To the extent mother attacks the representation she received at the jurisdictional phase and contends she would have never submitted the petition had she known the circumstances or the consequences, this does not amount to an arguable issue of reversible error. First, mother forfeited her right to make this argument when she did not appeal from the court's April 2008 dispositional decision. (*In re Meranda P.* (1997) 56 Cal.App.4th 1143.) Even so, she ignores the court's unchallenged findings that she knowingly, intelligently and voluntarily waived her trial rights and understood the nature of the conduct alleged in the petition and the possible consequences of submitting the matter to the court.

As for her claim that the social worker assigned to the case during the reunification period lied, once again mother has forfeited the claim by not raising it sooner and in the trial court where the court could have assessed both mother's credibility and that of the social worker. Questions of credibility are for the trial court. (*In re Laura F.* (1983) 33 Cal.3d 826, 833.) In any event, on the record before us, there is no support for mother's claim.

At the termination hearing, the court's proper focus was on the child to determine whether it was likely she would be adopted and if so, to order termination of parental rights. Once reunification services are ordered terminated, the focus shifts to the needs of the children for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) If, as in this case, the child is likely to be adopted, adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child. (*In re Celine R.* (2003) 31 Cal.4th 45, 53.) Here, there was no compelling reason to preserve the parent-child relationship. Mother had not even maintained regular visitation and contact with her child, let alone established that it would be in the child's best interest to continue their relationship. (See § 366.26, subd. (c)(1)(B)(i).)

#### **DISPOSITION**

The order terminating parental rights is affirmed.